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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/706,136	08/30/96	VANDENBELT R	HW-106A

TM02/0226

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EXAMINER	
HARVEY, M	
ART UNIT	**PAPER NUMBER**
2644	24

DATE MAILED: 02/26/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.	Applicant(s)
08/706,136	VANDENBELT
Examiner	**Group Art Unit**
Minsun Oh Harvey	2644

☒ Responsive to communication(s) filed on *Oct 12, 2000*

☒ This action is **FINAL.**

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire *three* month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claim

☒ Claim(s) *1-12 and 14-19* is/are pending in the applicat

Of the above, claim(s) _____ is/are withdrawn from consideration

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) *1-12 and 14-19* is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☒ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) _____ .

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

— SEE OFFICE ACTION ON THE FOLLOWING PAGES —

1. The examiner has noticed that the applicant's signature has been different on papers which were received before CPA was filed and when and after CPA was filed. The examiner would like to point out that it is confusing whether both signatures are the applicant's signature.

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1 to 12 and 14 to 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith (US 5,619,179) in view of Kramer (WO 83/01705).

Consider claim 1, Smith teaches a digital sound relaxation and noise masking system comprising: a digital sound relaxation device having operator input sound selection means, a built in memory (e.g. the memory in the processor), the memory having preselected and prerecorded sounds selectable for individual replay, and a sound controller that is coupled to the memory and the operator input means and operative in built-in sounds replay mode to play any sound of the built-in memory selected via the operator input sound selection means and to repetitively replay sounds without disrupting pauses. Smith does not show a collectable sound card in associated with the device.

Kramer discloses that is has been well known in the art to provide a system which can provide extra sound entertainment from a collectable sound card (see page 3). Thus it would have been obvious for one skilled in the art at the time the invention was made to apply the teaching of

Kramer to the device of Smith so that more different choices of sound signals could have been accessed by the user.

Consider claim 2, the device of Smith as modified teaches the claimed limitation.

Consider claim 3, Smith's system has a plurality of switches. Smith does not discloses a sound card selector switch for reassigning the switches between the built-in and sound card sound. However, it would have been obvious to include such a switch since the computer has to be notified whether the selector switches are going select information from the internal memory or the external memory.

Consider claim 4, the device of Smith as modified teaches the claimed limitation.

Consider claims 5 to 7, 10 and 14-18. Note the discussion of claims 1 to 2, the device of Smith as modified teaches the claimed limitation.

Consider claims 8 to 9, 11 to 12 and 19, the device of Smith as modified teaches the claimed limitation, e.g., the examiner takes official notice that audio signals stored in a sound bit format are well known in the art and therefore would have been obvious since it is just another well known alternate formats that audio signals could have been stored in.

4. This is in response to the applicant's remark which was received on October 12, 2000.

On page 2, line 1 to page 3, line 19, the applicant has argued Kramer reference does not disclose "a collectible sound card having prerecorded sounds operative to add its sounds to built-in sounds of a sound replay unit in order to customize the library of sounds to individual taste as in the present invention, and there is no objective reason, either express or by necessary

implication, which would motivate one of skill in the art to combine the programmable bubble memory card of Kramer with the method and apparatus for enhancing electronically generated sounds of Smith to provide the claimed combination as a whole of the independent claims of the present invention". The applicant's argument is not persuasive because Smith as modified with Kramer does disclose claimed invention. Since Kramer reference discloses that it is well known to have a collectable sound card for retrievaling data for supply to sound reproduction system, it would have been obvious to combine Kramer's reaching with Smith reference which discloses a memory having pre-selected and prerecorded sounds selectable for individual replay.

On page 9, line 13 to page 10, the applicant has argued that "rather the recited 'sound bite' format of claims 8-9, 11-12 definitely calls for at least two groups of addressable memory locations each storing different, self-contained and complete-in-themselves versions of the same sound, which, as recited in dependent claim 19, are randomly selected and played back at random times, whereby perception of annoying sound repetition is avoid and better reproduction of intermittent-type natural or other sounds then heretofore thought possible is achieved". The applicant's argument is not persuasive because the limitations can not be found in the claims.

The examiner maintains the rejection as set forth above.

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Minsun Oh Harvey whose telephone number is (703) 308-6741.

MINSUN OH HARVEY
PRIMARY EXAMINER